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March 20, 2020

VIA ECF

Hon. Lorna G. Schofield
U.S. District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
Courtroom 1106
New York, NY 10007

USDC SDNY
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Re: *Delacruz v. Nike, Inc.* - Civil Action No. 1:19-cv-10292-LGS

Dear Judge Schofield:

This firm represents Defendant Nike, Inc. ("Defendant"). We write, jointly with Plaintiff Emanuel Delacruz ("Plaintiff") (Defendant and Plaintiff collectively referred to herein as the "Parties"), to submit a proposed briefing schedule for Defendant's anticipated Motion to Dismiss Plaintiff's First Amended Complaint, and to request an eight week extension of all discovery-related deadlines.

By way of background, Plaintiff filed the Complaint in this action on November 5, 2019. (ECF No. 1.) The Court issued a Civil Case Management Plan and Scheduling Order on February 5, 2020. (ECF No. 19.) Defendant responded to the Complaint by filing a motion to dismiss under Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction and Fed. R. Civ. P. 12(b)(6) for failure to state a claim. (ECF Nos. 21-23.) On March 19, 2020, Plaintiff filed his First Amended Complaint. (ECF No. 25.)

Defendant intends to file a Motion to Dismiss the First Amended Complaint. The Parties respectfully request that the Court enter the following briefing schedule in connection with this Motion:

Motion papers to be filed by: April 20, 2020;

Opposition papers to be filed by: May 20, 2020; and

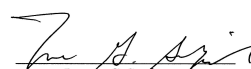
Reply papers to be filed by: June 10, 2020.

This is the first request for an extension of the standard briefing schedule under Local Civil Rule 6.1(b) in connection with Defendant's forthcoming Motion to Dismiss the First

Application GRANTED in part. The above briefing schedule is adopted in part: the motion to dismiss is due April 20, 2020; the opposition is due May 20, 2020; the reply is due May 29, 2020. Per the Amended Case Management Plan, which follows separately, all discovery -- fact and expert -- will close August 5, 2020. The parties shall also note the adjourned status letter deadlines and case management conference. The Clerk of Court is respectfully directed to close

Dkt. Nos. 21 and 26.
Dated: March 23, 2020

New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Amended Complaint.¹ The reason for the request is to provide sufficient time to complete the briefing.

In light of the impact of the current COVID-19 situation, including but not limited to public health restrictions and guidance, the Parties respectfully request an eight week extension of all discovery-related deadlines, including the April 13, 2020 and June 24, 2020 status letter deadlines, set forth in the February 5, 2020 Civil Case Management Plan and Scheduling Order. (ECF No. 17.) Additionally, the Parties request that the post-discovery, pre-motion conference presently scheduled for August 11, 2020 be adjourned accordingly. The Parties submit an Amended Scheduling Order for the Court's convenience, which also discloses the current dates to be extended.

This is the first request for an extension of the discovery-related deadlines and pre-motion conference. The reason for the request is to provide sufficient time to complete discovery.

We thank the Court for its consideration of this application.

Respectfully submitted,

SEYFARTH SHAW LLP

/s/ John W. Egan

John W. Egan

¹ Defendant requested an extension of the standard briefing schedule in connection with Defendant's Motion to Dismiss Plaintiff's original Complaint. (ECF No. 12.)